

AFFIDAVIT TO AMEND A DEATH RECORD

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What form do I need to amend a death record?

There are four different forms used to amend a death record. Generally, the public will use only two of the forms – either the *Affidavit to Amend a Record* form VS 24(S), or the *Affidavit to Amend a Record* form VS 24(L). The VS 24(S) is used to correct death records registered prior to January 1, 1994, and the VS 24(L) is used to correct death records registered after January 1, 1994. Once you have determined the correct form to use, submit the completed form to the Office of Vital Records (OVR), P.O. Box 730241, Sacramento, CA 94244-0241, along with the appropriate fee.

What are the other forms, and who uses them?

There is also an *Amendment of Medical and Health Section Data* form VS 24(B), used to amend records registered prior to January 1, 1994, and a *Physician/Coroner's Amendment* form VS 24(A), used to amend records registered after January 1, 1994. These forms are used by the physician or coroner to amend medical/coroner's information.

What is the fee to amend a death record?

There is no cost to amend a record within one year of the date of death. There is, however, a \$13 fee if you would like a certified copy of the amended record. There is a \$20 processing fee to amend a record that was registered more than one year ago, but a certified copy of the amended record is included at no additional charge.

What information can be changed with an amendment?

The VS 24(S) or VS 24(L) can be used to:

- Correct spelling errors.
- Add information not known at the time of death.
- Add an "AKA" to decedent's name.
- Correct most incorrectly stated items on the certificate.

The VS 24(S) or VS 24(L) cannot be used to:

- Change the informant on a death certificate.
- Correct the date of death, hour of death, or cause of death. (This information can only be amended with the VS 24(A) *Physician/Coroner's Amendment*.)

Who may sign supporting affidavits to amend a death record?

Two persons having knowledge of the facts must complete the supporting affidavits. ***Two signatures are required.***

Are there circumstances where specific persons must sign the affidavits?

Yes. When correcting marital status (Item 12) on a death certificate or when adding or changing a surviving spouse (Items 28-30), the supporting affidavits must be signed by both the informant and the surviving spouse. If there is no surviving spouse, the second affidavit may be signed by another person having knowledge of the facts. If either the informant or the surviving spouse refuses to sign an affidavit, OVR can correct the marital status in Item 12 with an original certified copy of a court order establishing the decedent's marital status at the time of his or her death. OVR may also be able to correct marital status on the death certificate if the person requesting the correction can provide legal documentation (such as might be presented to a court) that would conclusively show the facts supporting the correction. The affidavit form will need to be signed by the party initiating the correction or by the party's attorney of record.

The original informant must sign a supporting affidavit when correcting any information in Item 26 or Item 27 on the death certificate, "Name, Relationship" or "Mailing Address" of informant.

The certifying physician, coroner, or medical examiner must sign the affidavit in order to change Item 26 of the death record from "under investigation" status to include an informant.

Only the physician, coroner, or medical examiner may amend the date of death, hour of death, or cause of death.

What are the standards of acceptability for an Affidavit to Amend a Death Record?

Death certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability. Therefore, the following standards must be met when submitting an Affidavit to Amend a Record:

- Every item on the amendment must be completed.
- The amendment must be completed legibly, in durable black ink.
- The amendment form must be an original, not a photocopy.
- There can be no erasures, whiteouts, or alterations to the amendment.

Once I file the amendment, what happens to the original record?

When a death certificate is amended, the original record remains unchanged, and the amendment becomes page two of a two-page document. Anyone receiving a certified copy after the amendment is applied will receive a copy of both documents.

Health & Safety Code Section 102140 provides: *“No alteration or change in any respect shall be made on any certificate after its acceptance for registration by the local registrar, or on other records made in pursuance of this part, except where supplemental information required for statistical purposes is furnished.”*

Health & Safety Code Section 103255 provides: *“The amendment shall be filed with and become a part of the record to which it pertains.”*

What are the timeframes for processing amendments?

The current processing time for event year 2001 is approximately five months. OVR staffs give priority to the more recent records because families may be waiting for amendments to settle estates, obtain survivors' benefits, etc. The current processing time for years prior to 2001 is approximately ten months. Please note that processing times are subject to change without notice.

Where can I get the forms I need?

Because the amendment becomes a part of the actual record, it must be on an original form. Therefore, we are unable to provide the form online. However, you can request that a form be mailed to you by clicking on OVRform@dhs.ca.gov and providing us with your name, mailing address, and the form number you wish to receive. You may also obtain the VS 24(S) or VS 24(L) from the [County Recorder](#) or the [County Health Department](#) located in any California county. Xeroxed copies of the form are not acceptable.

I still have unanswered questions. Where can I get help?

If you have additional questions, please call (916) 557-6073 and leave your name and telephone number. One of our Amended Records Unit staff will return your call within 48 hours.